

1 The Honorable Judge Richard A. Jones  
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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 UNITED STATES OF AMERICA,

10 NO. 2:19-cr-00128-RAJ

11 Plaintiff,

12 v.

13 CHARLES S. LONG,

14 Defendant.

15 ORDER DENYING DEFENDANT'S  
16 MOTION TO PROCEED WITH IN-  
17 PERSON SENTENCING ON  
18 OCTOBER 27, 2020

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THIS MATTER comes before the Court on Defendant Charles Long's Motion to Proceed with In-Person Sentencing as scheduled on October 27, 2020 at 10:00 a.m. Dkt. #56. The government has indicated it takes no position on the motion and defers to the Court. Having considered the motion, and the files and pleadings herein, the Court finds as follows:

Pursuant to General Order 15-20 and earlier General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, in light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, Chief Judge Ricardo S. Martinez has determined that individual judges may proceed with a very limited number of in-person hearings in felony criminal proceedings by issuing orders on a case-by-case basis.

1       Mr. Long argues he meets the criteria establishing it is critical that his hearing  
2 proceed in person, and moves the Court to grant his request for an in-person sentencing  
3 hearing as scheduled on October 27, 2020. Mr. Long indicates he will request a sentence of  
4 time served.

5       In response to Mr. Long's earlier motion to conduct his sentencing by  
6 videoconference the government highlighted his extensive and serious criminal history,  
7 which includes a total of 14 convictions as a juvenile and another 14 convictions as an adult,  
8 including convictions for offenses such as assault, attempted robbery, carrying a dangerous  
9 weapon, drug trafficking, and felon in possession of a firearm. The government further  
10 indicated Mr. Long has a history of violations of supervised release and approximately 24  
11 failures to appear.

12       The Court has offered to make arrangements to conduct Mr. Long's sentencing by  
13 way of remote proceedings. In communications with court staff defense counsel represents  
14 Mr. Long has declined this offer, however, his motion does not address this offer and sets  
15 forth no reasons for Mr. Long's decision. The Court notes that in July of 2020, Mr. Long  
16 filed a motion to proceed via videoconference and advance his sentencing date, a motion  
17 which was denied by the Court at that time based on the Court's belief and hope that it would  
18 be able to resume in-person proceedings in the autumn of 2020. Due to the continuing  
19 nature of the pandemic, which appears to now be at the beginning of yet another wave of  
20 community spread and increased infection, pursuant to General Order 15-20, all non-critical  
21 in-person criminal hearings have been continued at least through January 1, 2021.

22       While not forecasting what the ultimate sentence will be, the Court finds that given  
23 Mr. Long's criminal history and the applicable sentencing guidelines range, it is unlikely the  
24 Court will impose a sentence of time served. Accordingly, the Court finds that delaying an  
25 in-person sentencing to a date in January will not cause harm to the interests of justice in this  
26 matter.

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1 For the reasons set forth above, Mr. Long's motion (Dkt. #56) is **DENIED**. The in-  
2 person sentencing hearing in his matter is continued to January 8, 2021 at 2:30 p.m. Should  
3 Mr. Long desire an earlier sentencing date by way of remote proceedings, the Court will  
4 grant that request and proceed with sentencing as scheduled on October 27, 2020, or another  
5 mutually agreeable date within the next two weeks.

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7 DATED this 21st day of October, 2020.

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10 The Honorable Richard A. Jones  
11 United States District Judge